

Affirmation



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Wiesel—voice of human conscience

by W. Gunther Plaut

Of all human rights, the right to life is the most precious; yet it is the one that, all too often, has been disregarded and that continues to be disregarded in many areas of the world today. Therefore, the award of the Nobel Peace Prize to Elie Wiesel has a special human rights dimension, for the recipient is a purveyor of the idea that all of us have the potential of being more human. The author of this article is a long-time personal friend of the laureate.

Elie Wiesel, a unique light illuminating the bleak landscape of human despair, has been awarded the Nobel Peace Prize. The Swedish announcement was brief, and the man who read it mispronounced the laureate's name. No matter, the message was all that counted. For this year the Peace Prize has gone to a person unlike all others who have won it in recent years.

There have been statesmen, like Menachem Begin and Anwar Sadat, who were recognized for making peace between their countries. There have been fighters for social justice, like Martin Luther King, Jr. and Archbishop Desmond Tutu, and like Mother Theresa, who accepted the prize on behalf of the poor to whose betterment she has devoted her life. All these were doers; the work of their hands moved humanity's never-ending quest for peace to new levels of hope.

But this year the laurels went to one whose major effort in life has been the dissemination of an idea: to make people understand both the depths to which humanity could sink and the heights that it might yet scale. Most remarkably, Wiesel has done it primarily (though not exclusively) through telling the story of the Holocaust. He believes that if people would but truly grasp what brought about this incredible evil, a fatal tear in the human fabric might be repaired. By its award, the Nobel committee has said, in effect, that if people would read Elie Wiesel, their souls would experience the magic of healing, and humanity would thereby be brought closer to peace.

How often has he said, from the platform and in private conversation, that the only true response to the Holocaust should have been total silence, for words will always be inadequate to describe the

Sexual orientation now a protected ground under the Human Rights Code

by Tanja Wacyk

Ontario joins Quebec as the second province to make sexual orientation a protected ground under human rights legislation. On December 2, 1986, by a 64-45 vote, the Ontario legislature passed a proposal to extend the protection of the *Human Rights Code* to gays in the areas of services, goods and facilities, accommodation, contracts, employment, and membership in a trade union, trade or occupational association or a self-governing profession. That proposal was only one of a number of

amendments to the Code that were subsequently brought before the House in the form of Bill 7. Bill 7 was an omnibus bill that amended a number of Ontario statutes so as to bring them into greater compliance with Section 15, the equality provision of the *Charter of Rights and Freedoms*. Bill 7 was passed into law on December 18, 1986. A more comprehensive view of the resulting amendments to the Code will appear in our next issue.

Tanja Wacyk serves as legal counsel to the Ontario Human Rights Commission.

vastness of the event. For years he guarded it in the secret chambers of his memory, hoping that the world — having discovered the ovens and the ashes and having tried a few of the perpetrators — would begin to grasp the enormity of its own long silence. But when he saw this hope dashed, and when people moved on to new tomorrows as if the horrendous yesterdays had never happened, he knew that he had to break his silence. He would confront the world with the truth lest its spirit shrivel and die.

He began to write down some of his memories and told how he, a young boy of eleven, found himself among the condemned, and how he watched the human spirit, clothed in smoke, rising from the chimneys, painting the sky with ghastly curlicues.

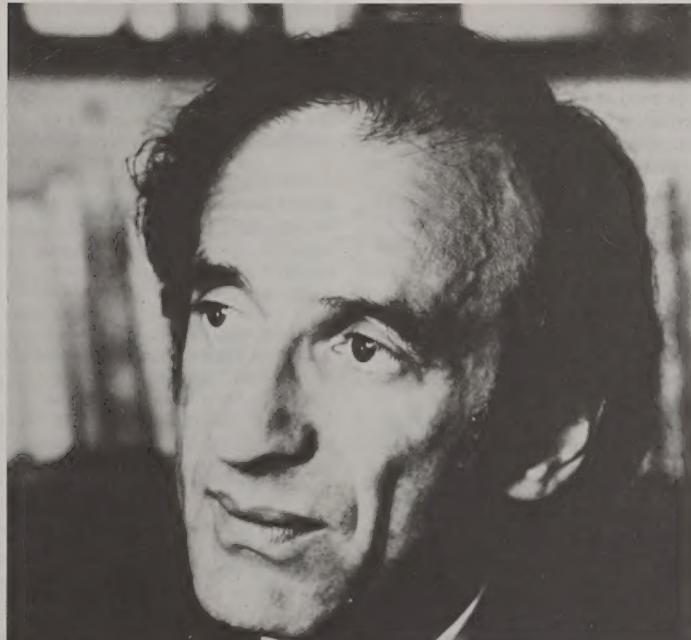
It took a long time to find a small firm that was willing to publish his little book, which he appropriately called *Night*. No one wanted to handle so unpalatable a subject, explored by an unknown young man, a native of Rumania, who had written his manuscript in French. (After his rescue, Wiesel had drifted to France, where he began to return to life and where he learned to speak and love the French language, making it his own. To this day he writes in French, though his English is magnificent.) Since he first published *Night*, many volumes, plays and essays on a variety of topics have come from his pen — but, in the end, it has not been the written

word that has inscribed his name on the hearts of millions. It has been the force of his personality. It has been Elie Wiesel, the man.

His voice is soft; he is no orator in the accepted sense. He sits when he talks; he does not wave his arms to make a point. Yet his hearers, who come by the thousands, sit transfixed. Young people especially are attracted to this man, who, in his simplicity, with his ascetic face crowned by slightly dishevelled hair, addresses the human soul. He does not claim to be a prophet who speaks with God's voice, yet he has the prophet's chief quality: he warns even as he charts the way to hope, and he does so with that particular Wieselian, deeply spiritual, quality that has come to colour his speech. The little boy from Sziget, destined for early extinction, has survived and grown into the conscience of the world.

He is a Jew who, out of his people's suffering, has glimpsed the possibilities of the human spirit, and for this vision the Nobel committee has singled him out. With Wiesel it believes that true peace must start in the human heart or it does not start at all, and all political arrangements between nations remain but band-aids that cover the festering wounds of fear. In honouring Wiesel the committee has honoured itself and its high purpose. It has acknowledged the power of the pure human spirit.

Dr. Plaut is editor of *Affirmation*.



Elie Wiesel

Board rules on six months' delay clause

Section 33 (1) (d) of the Ontario *Human Rights Code* states that the Ontario Human Rights Commission may refuse to deal with a complaint if it is submitted more than six months after the alleged Code violation took place. The law aims at preventing undue hardship to the respondent, who should not be endlessly exposed to a possible complaint procedure.

In a case before a board of inquiry chaired by Prof. D.A. Soberman, the six months clause of the Code became an issue.

Counsel for the respondent stated that the respondent had not been given an opportunity to argue before the commission that the late filing of the complaint constituted hardship and that the commission should therefore not exercise its discretion to deal with the complaint. Counsel claimed that, as the respondent had been denied this opportunity, the board did not have jurisdiction to deal with the matter.

Counsel for the commission submitted that s. 33 (1) (d) does not create a limitation period; rather, it is an administrative tool designed to encourage expeditious handling of complaints. It merely creates discretion *not to* deal with a complaint. In the case under consideration the commission was satisfied, both with respect to the good faith of the complainant and to the absence of substantial prejudice to the respondent, since the delay was, in any case, only a few days.

The need for counsel

When another hearing before board of inquiry chairman, Prof. D.A. Soberman, commenced, the

respondent appeared without counsel. Prof. Soberman strongly urged the respondent to obtain counsel because the complaint alleged sexual harassment, and the nature of the hearing would make the presence of counsel highly desirable. The respondent declared that, nonetheless, he would appear for himself.

During the hearing the respondent brought forward witnesses who testified to his good character. Thereupon, counsel for the commission asked the witnesses whether they were aware of the respondent's criminal record, including a conviction for rape. The respondent objected to the question as being outside the scope of the hearing, but the board chairman rejected the objection. Once the matter of good character was raised by the respondent himself, he said, counsel for the commission could introduce negative evidence to the contrary.

In making the ruling Prof. Soberman pointed out that, had the respondent been represented by counsel, the latter would have known not to raise the issue of character, thus giving commission counsel the opportunity to read the respondent's past history into the record.

Case Study

Employment/Race, colour, etc.

The complaint was referred to the Ontario Human Rights Commission by the Provincial Ombudsman after the Ombudsman's office had done some initial investigation and had found that the Code's jurisdiction was more appropriate to deal with the matter.

Although highly qualified for his position as an auditor, the complainant (a black Barbadian) had been passed over for promotion for eight years, and was finally asked to request a demotion and transfer, ostensibly because he had no 'future' in his present department. His two white supervisors pressured him to make such a decision, and offered no particulars about his supposedly unsatisfactory work, but mentioned that he did not communicate well and did not socialize enough with his peers.

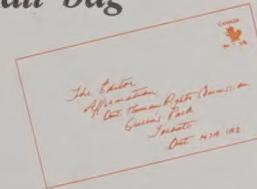
At the fact finding conference it was discovered that the white candidates who had won promotions over the complainant had received letters to this effect even

before any interviews had been conducted. It was also noted that one manager had once had problems with a black employee, had allegedly stated that he would avoid hiring or promoting any more blacks and had, in fact, not hired or promoted any black employees in the last six years.

The complainant requested a management position such as he had previously applied for and been denied, payment of the wages he had lost because of the discriminatory act, and general damages of \$7,500. Counter-proposals were discussed, and a settlement was reached.

The complainant was transferred to a higher paying job in another branch, with potential to move into management in six months. He was further paid \$10,000 in compensation and general damages, and the respondent agreed to hold a half-day seminar on human rights to be conducted by the commission.

Mail bag



Dear Sir/Madam:

Recently Rabbi W. Gunther Plaut spoke to a number of senior staff in the City of North York concerning the Employment Equity Program being established within City Hall. He made us aware of the quarterly publication *Affirmation*. It contains many informative and challenging articles.

I would like to have a sufficient quantity of each issue to share with senior staff of the North York Parks and Recreation Department.

Is it reasonable to request 35 copies to ensure that six directors, seven co-ordinators and 22 supervisors each have a copy, which in turn will be shared for reading purposes with dozens of foremen and recreation assistants, as well as part-time staff?

Gordon C. Hutchinson
Commissioner of
Parks and Recreation
City of North York

Lilian Ma: W-5 and Beyond

by Michele Dawson



Lilian Yan Yan Ma was born in Hong Kong. In 1967 she moved to Canada to study for her Ph.D. in Chemistry at Simon Fraser University, British Columbia, and moved to Toronto in 1977 to work as a research associate at the University of Toronto's Biochemistry Department. It was not long afterwards that Lilian's commitment to human rights emerged, precipitated by the W-5 incident in 1979.

The incident began on September 30, 1979 when CTV's W-5 current events program aired a segment entitled 'Campus Giveaway', wherein it was alleged that a Caucasian girl could not get into the University of Toronto's School of Pharmacy

because foreign students had supposedly taken over the school as well as the whole university. CTV filmed first-year pharmaceutical students, concentrating its cameras on the Chinese faces. The Chinese Canadian community, represented by the Ad Hoc Committee of the Council of Chinese Canadians in Ontario Against W-5 (of which Lilian Ma was secretary), protested against the inaccurate content and the negative tone of the segment. They countered that not only did CTV have its facts wrong (the pharmacy students were not foreigners; they were either landed immigrants or Canadian citizens), but that it also incited hatred towards a visible minority group.

While the ad hoc committee succeeded in getting an apology from CTV for both the content and the tone of the 'Campus Giveaway' segment, this did not dampen the resolve of Lilian Ma and the newly organized Chinese Canadian community to prevent the recurrence of such incidents. A permanent structure was created — the Chinese Canadian National Council — on which Lilian Ma occupied various positions from 1980 to 1985, ranging from secretary to president. Since 1984, Lilian has also held

several positions on the Canadian Ethnocultural Council, an umbrella organization for over 30 national organizations that concentrate on the preservation of cultural heritages.

'A lot of people still talk about human rights as multiculturalism... but culture's only part of it. What we need at this point in time... is equality in culture, employment, socio-economic opportunities and education,' says Dr. Ma.

In April 1986 Lilian was appointed as a commissioner to the Ontario Human Rights Commission. Aside from her commitment to promoting healthy attitudes and harmonious relations among people of different minority groups, Lilian sees her contribution to the commission as twofold: on the one hand, her experience with ethnocultural groups provides her with a valuable community perspective, and on the other, she can help to 'demystify' the commission for community groups. She does this primarily by speaking and participating in conferences.

'In Ontario the Human Rights Commission has the public interest in mind,' she reflects, 'and, in that sense, the people of Ontario are

protected because we speak for them....'

Thus it is in the areas of public education and in fighting systemic discrimination that Lilian feels the OHRC has made, and will continue to make, the most progress. According to her, inadequate funding and inadequate human resources are the main reasons that the OHRC has not been able to realize its 'enormous potential.'

Lilian is presently employed in drug research and enjoys her work immensely. She feels that her scientific training makes her particularly well suited for human rights work.

'Certain convictions and commitments evolve from the scientific professions,' she says. 'We are taught to keep asking questions and back up our answers with solid data. So maybe in that sense the scientific training helps me on the OHRC.'

There is no doubt about it. Lilian's record speaks for itself. The OHRC is steering towards a more just society with people like Lilian on board.

Michele Dawson is a fourth year Political Science student at York University.

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Editorial The progress we've made

Elsewhere in this issue of *Affirmation* we report continuing racial bias in rental accommodation. Observers claim that, withal, things are better in Peel County than in Toronto. In turn, Torontonians might be inclined to look for other spots in the province where prejudice finds still more blatant expression.

Such reportage has the useful function of reminding us of our social shortcomings and spurring us to vigorous proactive endeavours in the field of human relations. We will never be perfect, but we can always do better.

The fact is that we *have* done better over the years. Thus, the rights of women and handicapped persons are not only protected by new legislation, the very knowledge that such protection is *right* has slowly become part of our social

conscience. In other areas — such as racial and ethnic prejudice — progress has been slower, but there, too, it has not been absent. Two generations ago it was possible for people, even the most prominent public figures, making scholarship or other public bequests in their wills to stipulate that the recipients be of the majority ethnic group. Such attitudes still exist today, but their public expression is no longer acceptable. That, in itself, is a measure of progress and contributes to a climate of better interpersonal relations.

Better, but, in all too many instances, not yet good. The increasing case load of the commission is a constant reminder of the long road that still lies ahead.

Chairman's corner



dressing new or changing problems.

A short three months ago, the Ontario government honoured its commitment to social progress by passing Bill 7 — designed to bring Ontario statutes in line with the *Charter of Rights and Freedoms*. Among the major amendments that affect us directly are, in part: repeal of that section of the Code that allows for adult-only buildings, the addition of sexual orientation as a protected ground, the right to equal treatment without discrimination because a woman is, or may become, pregnant, the repeal of that section that allows for restrictions by sex in athletic activities, and extension of the rights of handicapped persons with respect to employment and access.

Ontario's is the senior Human Rights Commission in Canada. Much of the federal and other provincial human rights legislation is modelled on our Code. This most recent revision will again ensure that our province remains proudly in the forefront of the protection of the rights and dignity of Ontarians.

It is with deep regret that we acknowledge the end of term of Rabbi Gunther Plaut as editor of *Affirmation*. Under his guidance, expertise and deep commitment, *Affirmation* was developed and elevated to a highly respected publication of international renown, with a distribution of close to 10,000. We will truly miss his wisdom and direction, and we hope that he will continue with us as a frequent contributor.

I know you join me in applauding his devoted efforts and in thanking him most sincerely for his years of contribution on our behalf.

Good-bye

With this first number of the eighth year my editorship of *Affirmation* comes to an end. I have thoroughly enjoyed working with all those who, by their guidance on the editorial board and their articles in our quarterly, have made *Affirmation* into an important voice in the battle for human rights.

When, back in 1980, we produced our first issue, we did not quite know what we really wanted. Slowly, our objectives became clearer, and though we never quite reached

the peak of excellence at which we aimed, we never ceased making the effort. It is gratifying to know that, both in Canada and the United States, *Affirmation* today enjoys significant recognition.

In taking leave of my co-workers and our readers I want to express my sincere thanks for the opportunity vouchsafed to me. It was a rewarding and satisfying experience, and I wish my successor every success.

W. Gunther Plaut

Muscular Dystrophy

The facts

1. Muscular dystrophy is the name for a distinct group of neuromuscular disorders marked by wasting and progressive weakness of the muscles that control body movement.
2. The Muscular Dystrophy Association of Canada provides support to persons with any of over 50 specific forms of neuromuscular disorders.
3. Neuromuscular disorders affect children and adults of both sexes.
4. Neuromuscular disorders are not contagious, nor infectious, nor caused by a germ.
5. The majority of neuromuscular disorders are inherited, although they can occur in families with no history of the disorder.

6. In almost all cases, there is no cure, few treatments and no known way to stop the muscle wasting process.
7. Most of the specific forms of neuromuscular disorders fall into the following categories: the dystrophies, the spinal muscular atrophies, diseases of the peripheral nerve, and other myopathies.
8. Duchenne muscular dystrophy is one of the most severe disorders. It affects boys only who rarely live beyond their twenties because of muscle wasting.
9. Amyotrophic Lateral Sclerosis (ALS) is a severe disorder that affects adults. It is characterized by a rapid onset of symptoms resulting in continuous muscle deterioration.
10. Myotonic dystrophy is the common form of muscular dystrophy in Canada. As well as weakening muscles it can affect other body systems and usually appears in every generation of an affected family.
11. The Muscular Dystrophy Association of Canada provides basic equipment, services, and hope to thousands of Canadians affected by neuromuscular disorders.
12. The Muscular Dystrophy Association of Canada is committed to funding research into the cause and eventual cure for neuromuscular disorders.

Reprinted from the brochure 'Muscular Dystrophy - The Facts' with the permission of the Muscular Dystrophy Association of Canada.

Correction department

In the September 1986 issue of *Affirmation*, Ms. Raj Chopra, author of 'A South Asian Youth Perspective', was listed as an officer with the Race Relations Division. She is, in fact, a supervisor with the Race Relations Division of the Ontario Human Rights Commission.

Our piece entitled 'What Everyone Should Know About Guide Dogs' in the September issue should also have been credited to Eileen Barbeau, Co-ordinator of Services to Disabled Persons, University of Toronto.

The Kingswood experience

by
Leslie Blake-Côté

'Exhausting, wonderful, overwhelming, packed with information,' commented Claudia Pincombe, Program Supervisor, Community Services Department, North York. She was reacting to Metro Toronto's highly successful Kingswood Program — an ongoing management training seminar with special focus on human rights.

Living in residence for four of the five days, participants assume a new identity for a week and grapple with workplace problems that embrace disabled persons, racial and ethnic minorities and women.

Throughout the day, the Chief Administrative Officer directs the participants from one crisis to another. Topics of daily discussions range from the *Human Rights Code* to the whys and hows of employment equity and racial and sexual harassment in the

workplace, plus a vast array of other subjects.

The intent of this program, says Les Lear, Staff Training Co-ordinator, 'is to make people sensitive to, and aware of, issues involved in managing a diverse workplace. Really, it's a program that teaches excellence in people resource management.'

Sylvia Searles, Manager of Training with Metro Toronto's Multicultural and Race Relations Division, and a founder of the program, identifies the program's highlights as the harassment scenarios, the human rights complaints and the contracts. The harassment scenario thrusts the participants into the middle of a sexual or racial conflict that they must resolve immediately.

All agreed that the contracts made were an essential and crucial part

of the program. A contract is a written document by which a participant undertakes to do something concrete in his or her workplace to implement the good management principles discussed at Kingswood.

Lear believes that the contracts amply justify the time and money spent — some \$300,000 annually. 'The division heads get to know what the participants will be doing, and initiatives are undertaken that otherwise wouldn't have been.'

Is Kingswood working? Will it continue to work? 'It has worked

beyond our wildest dreams,' asserts Sylvia Searles. 'Last year alone, 27 complaints were handled in-house rather than becoming full-blown complaints.'

Participant Pincombe sums it up: 'I know how it's affected me and the other people in my office. If we are any indication, it has to have the domino effect, and it's not just senior management committed to making it work, it's all of us.'

Ms. Blake-Côté, a Human Rights Commissioner, attended the Kingswood Program.

Race bias adds to rental woes meeting told

by Gary Webb-Proctor

She began sobbing softly, almost unnoticed, in a corner of the cafeteria at the University of Toronto's Erindale campus in Mississauga.

An hour earlier, Juliet Higgins, 24, had made an unexpected and emotional appearance that shocked the 60 participants at the Peel Multicultural Council's conference on prejudice.

The Jamaican-born woman had told, with anger and frustration in her voice, of being shuffled through five hostels, of a fruitless, year-long search for a place to rent, and of the circumstances in which she lives with her daughters, aged 3 and 7.

'My daughters and I share one room in a house where there are four guys...,' she said. 'I pay \$350 a month for that.'

'What am I supposed to do? It's the only place I could get in... Don't I deserve the right to have some decent place to live, too?' she asked, creating a long, uncomfortable silence.

Mrs. Higgins had been brought to the conference by Darlene Baker, a counsellor for Mississauga Community Legal Services, to 'introduce to reality' participants who included two Peel Region mayors, housing, civic and social services officials and representatives of ethnic organizations.

Because her immigration status is uncertain, Mrs. Higgins is not eligible for government retraining programs, and she said she had been told by a Peel Non-Profit Housing Corp. worker that she is not eligible to join 2,800 people on a waiting list.

Mrs. Higgins is just one of many members of visible minority groups caught in the 'double-jeopardy' of racial discrimination and a

shortage of medium-priced rental accommodation in Peel. Ms. Baker said.

The shortage allows landlords to discriminate with impunity on the basis of race because they can easily say units are already rented when they hear what sounds like the voice of a non-white person on the telephone or encounter a black face, she said.

'It's a very simple formula in this region; one white-sounding voice plus one black face equals "sorry, nothing available."

Ms. Baker, a fifth-generation Canadian who is black, said she had conducted experiments herself to prove that the bias exists.

'I telephoned landlords, and because I have a very Canadian-sounding voice I was encouraged to come to look at the rental units. When I arrived, they saw my black face and told me the units had been rented. When I called again immediately after returning home, I was again told the units were available and invited to look at them.'

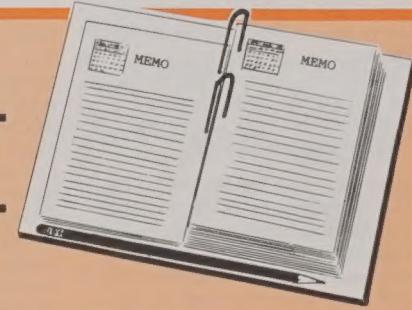
'No one likes to admit it exists. The topic is one of the dirty words no one likes to hear. But racial discrimination is very prevalent in Peel,' Ms. Baker said.

She also reacted with anger, as did the council's president, David Hasan, to remarks made by the conference's keynote speaker, Peter Robertson, a Brampton regional councillor.

Mr. Robertson's theme was that while incidents of racism occur, they are not a general problem in Peel.

Large, expensive houses owned by members of minorities were shown during a slide presentation. Mr. Robertson said they proved racism

Memo pad



• If you know of people who would welcome receiving *Affirmation*, please let us know.

• If you feel the urge to write, either for us or to us, please give way to it.

was not a problem because 'these ethnics can afford the big houses.'

Mr. Hassan said the comments 'were an affront to anyone here of an ethnic background, and I felt it as a personal affront, as did several others.'

'That attitude completely glosses over the sad case of the young woman we heard today and many others like it,' Mr. Hassan said.

Though sessions on discrimination in employment were also held, the problem of affordable housing dominated discussions.

The region has lists of about 4,500 people waiting for assistance from Ontario Housing Corp. and the regional non-profit housing body.

Continuing commercial and industrial growth will attract new families, but Peel social services commissioner Jim Crozier said rental accommodation will fall even further behind the escalating need.

Earlier, Brampton Mayor Kenneth Whillans defended a resolution in which his council opposed new provincial policies that would increase the proportion of subsidized tenants in Ontario Housing projects to 40 per cent from 25.

Mississauga Mayor Hazel McCallion, echoing a Peel Regional Council resolution, called that position pitiful and disturbing.

'If Brampton doesn't want the units, Mississauga will gladly take them. I hope Brampton doesn't think that these people are garbage just because they are having difficulties that any one of us could have. I assure you Mississauga doesn't have that attitude.'

'If you think about it, the lack of affordable housing does allow discrimination. It's pretty hard to

sleep at night when you get calls from a mother with nowhere to stay and the motels are full,' she said.

Mrs. McCallion said the city recognizes that its new housing bylaw, designed to prevent conversion of homes into rooming houses, may be too strict and council will consider changing it.

Nevertheless, she agreed with Mr. Robertson that 'there is not a real problem with discrimination in Peel.'

'It does exist, but it's not a problem like there is in Metro Toronto, because we're a young community and we've successfully woven into community life people from every background.'

The conference included 10 workshops on specific areas of discrimination against visible and racial minorities, most of which produced recommendations aimed at toughening human rights legislation and penalties for discrimination.

As the conference wound up, Mrs. Higgins stood alone near the doorway. A well-dressed white woman shook her hand and told her she 'will work things out because I can tell you're a fighter.'

'I don't know about that,' Mrs. Higgins muttered after the woman had left.

'I hear all these people talking about these problems, but I have to live them and I still don't have a solution and I'm out \$20 for babysitting to come here today.'

'I don't need good luck, I just need a decent place for me and my daughters to live. I can pay my rent. Is that so much to ask?'

This article first appeared in the *Globe and Mail*, October 27, 1986 and is reprinted here with the permission of the author.